



FREDERICK COUNTY PLANNING COMMISSION

December 11, 2013

TITLE: River Meadow, Section 1, Lot 17

FILE NUMBER: S-943, AP 13725 (APFO 13727, FRO 13728)

REQUEST: Combined Preliminary/Final Plat Approval

The Applicant is requesting approval to subdivide one new lot from a 40.72 acre site in a major subdivision.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the east side of River View Court, 600 feet south of River Meadow Drive.
TAX MAP/PARCEL: Map 78, Parcel 447
COMP. PLAN: Low Density Residential and Natural Resource
ZONING: R-3 Residential and Resource Conservation
PLANNING REGION: Frederick
WATER/SEWER: W-5/No Planned Service, S-1/No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: Maurice and Mary Gladhill
OWNER: Maurice and Mary Gladhill
SURVEYOR/ENGINEER: JF Brown III & Assoc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Mike Wilkins, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1- River Meadow Combined Preliminary/Final Plat

STAFF REPORT

ISSUE

The Applicant is requesting preliminary/final plat approval to subdivide 1 new residential single family lot from a 40.72 acre site.

BACKGROUND

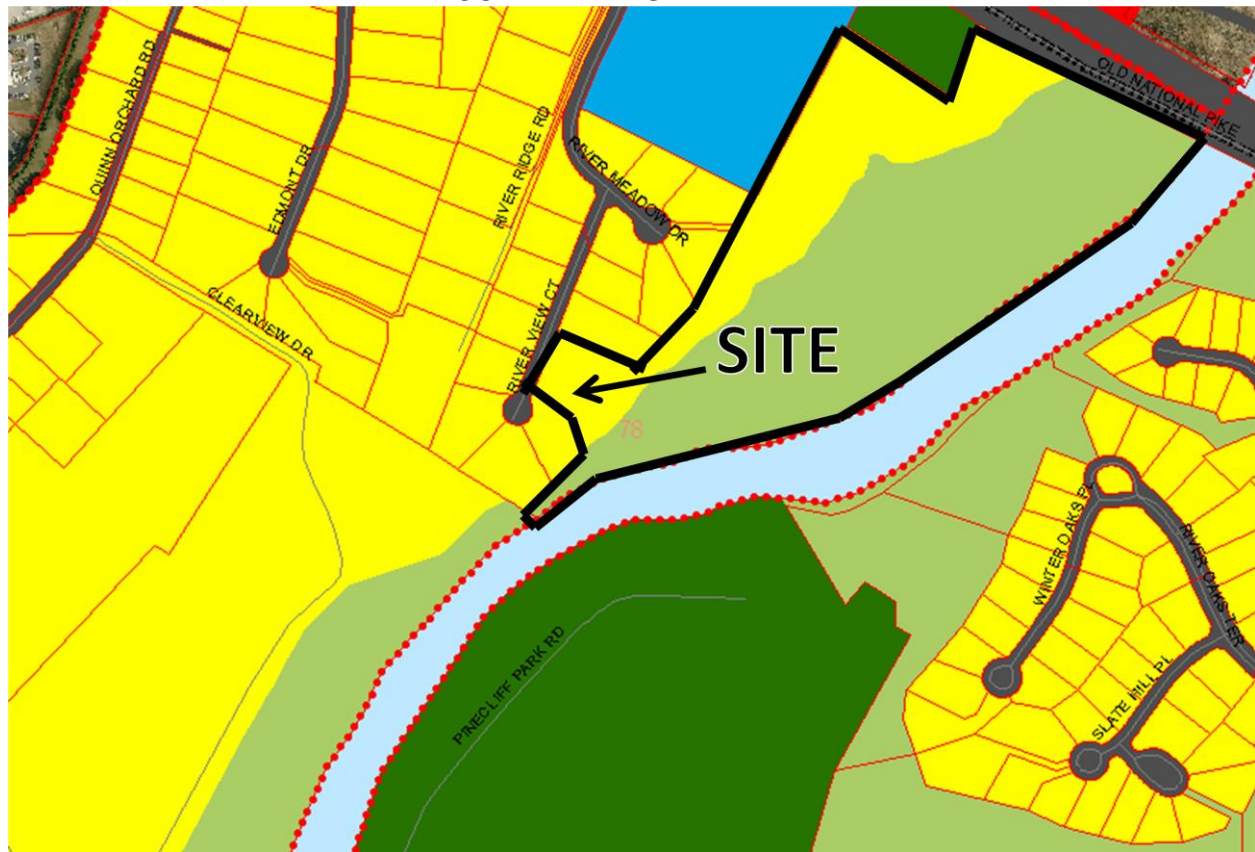
This property has been the subject of previous subdivision applications since 1965.

- 1978- A parcel was deeded to the State of Maryland for the Maryland National Guard Armory (L1052/ F704)
- 1983- A parcel was deeded to the Maryland Department of Natural Resources (L1193/ F0006)
- 1994- The 16-lot River Meadow Subdivision was recorded (PB55, PG 69-70)

Since more than 6 lots have been created from the original 1965 parcel, this application is considered a major subdivision, requiring FcPc review and approval.

Although the overall parcel reflects both R-3 and Resource Conservation zoning, the portion of the parcel where the new lot would be created is zoned only R-3. Therefore, the current application is being reviewed as an R-3 single family residential subdivision under the subdivision regulations with design requirements found in §1-19-6.100 of the Zoning Ordinance.

COMPREHENSIVE PLAN



Existing Site Characteristics

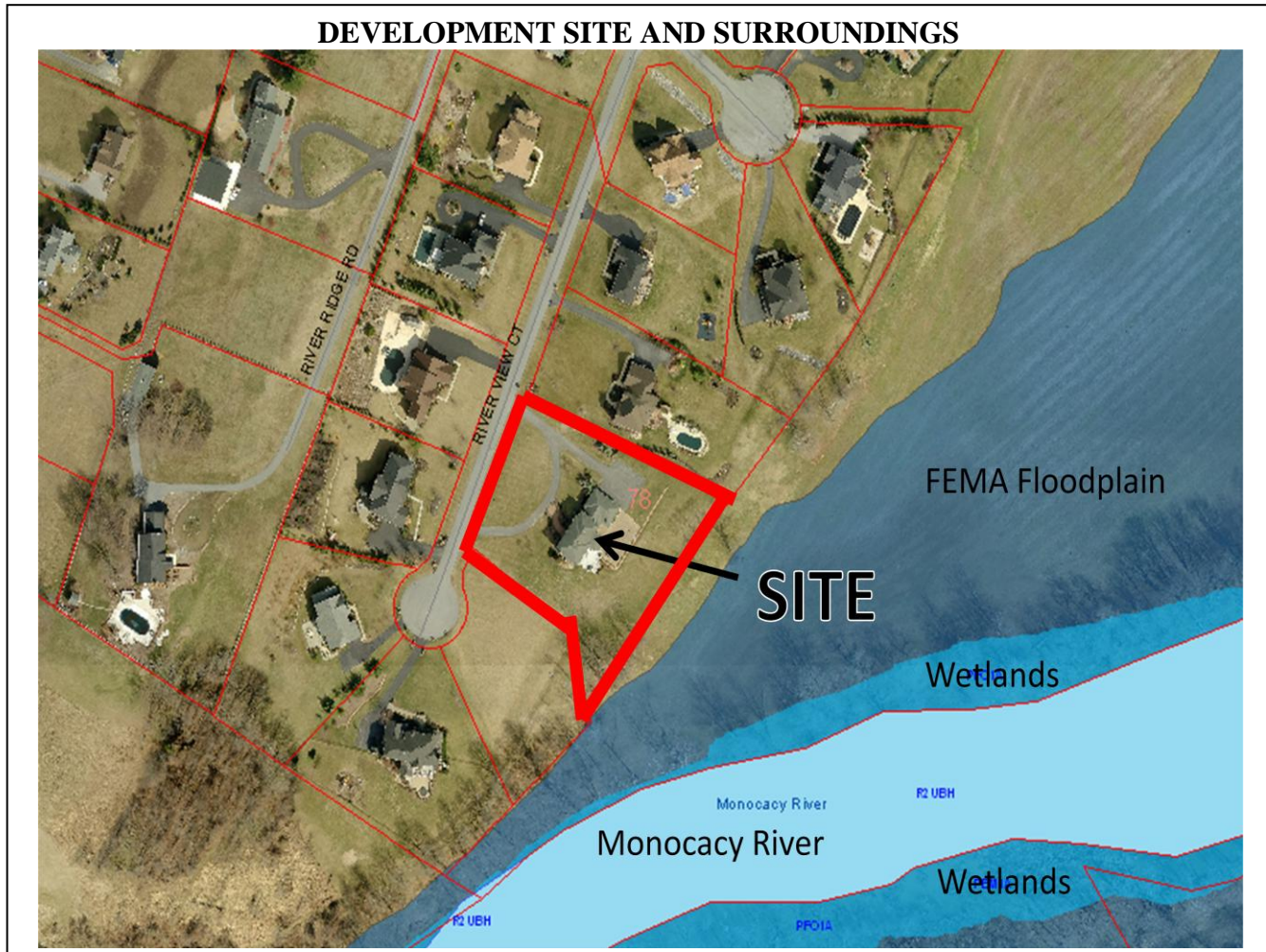
The site consists of open yard area with an existing house (constructed in the early 1990's). The remainder abuts the Monocacy River and associated wetlands and floodplains, but no environmental

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features are located within the boundary of the proposed lot (see map below). The site adjoins R-3 zoned residential lots on three sides. The Remainder consists of approximately 9.22 acres of R-3 zoning and 31.50 acres of Resource Conservation zoning.



ANALYSIS

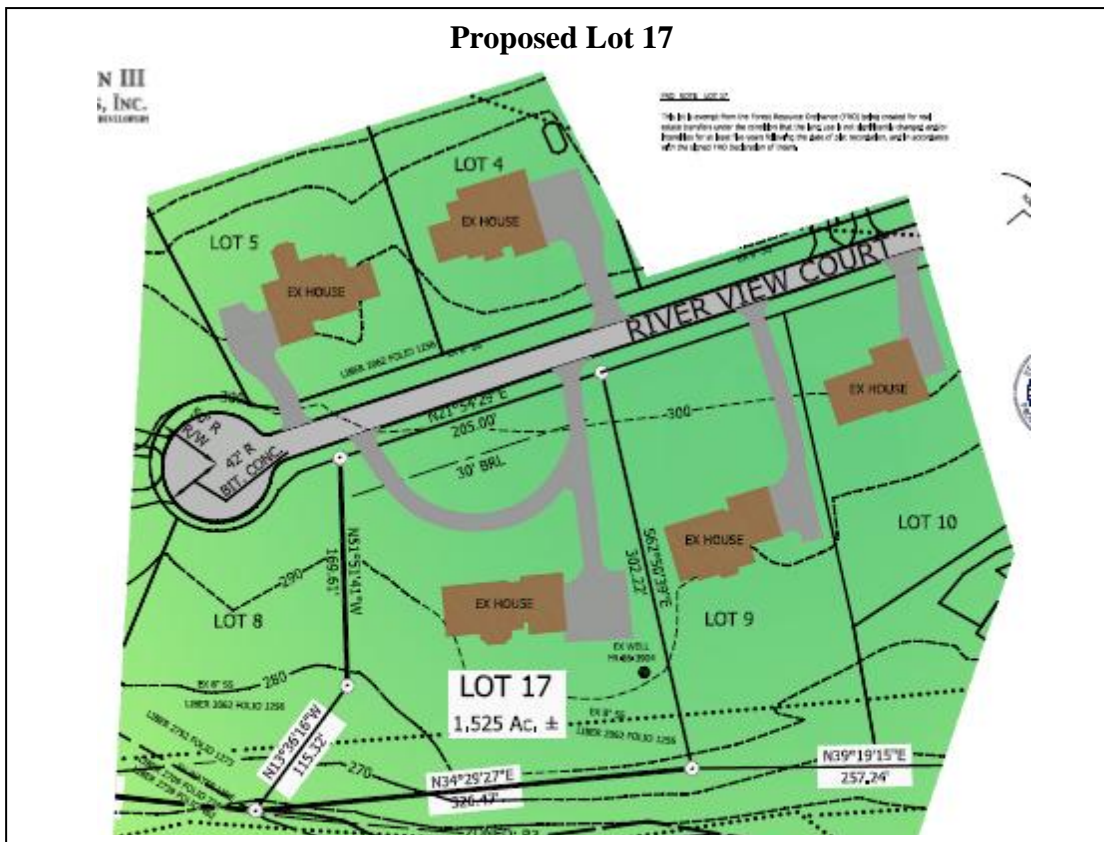
A. ZONING ORDINANCE REQUIREMENTS

1. **District Regulations, Design Requirements For Specific Districts §1-19-6.100: Residential Three District (R3):** Single family residential requirements: 12,000 square foot minimum lot size, 80 foot minimum lot width, 30 foot front setback, 30 foot rear yard setback, and 10 foot side yard setback, 30 foot maximum structure height.
2. **Minimum Lot Area When Individual Water and Sewage Facilities Are Used §1-19-4.540.** Where a public or an acceptable community sanitary sewer system is accessible and used in conjunction with individual wells, the minimum lot area and frontage requirements shall be 15,000 square feet and 80 feet, respectively.

Since this lot is served by public sewer and a private well, the minimum lot size and lot width must be in accordance with 1-19-4.540. Proposed Lot 17 is 1.525 acres in size and 205 feet wide, which exceeds the minimum 15,000 square foot (0.344 acres) lot size and minimum 80 foot lot width requirements. The proposed lot also meets the front, rear, and side yard setback requirements per §1-19-6.100 for the R-3 zoning district. The required front, rear, and side setbacks are shown and noted on the plan and meet the Zoning Ordinance requirements.

Zoning Ordinance Requirements Findings/Conclusions

The proposed subdivision will meet all Zoning Ordinance requirements.



B. SUBDIVISION REGULATION REQUIREMENTS

1. **Land Requirements §1-16-217 (A):** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The subject property reflects a Comprehensive Plan land use designation of Low Density Residential and Natural Resource. The area of land where the proposed lot will be located reflects a comprehensive plan designation of only Low Density Residential. The proposed land use and subdivision design complies with the Comprehensive Plan and meets Zoning Ordinance requirements.

2. **Land Requirements §1-16-217 (B):** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The subdivision design is limited by the location of the existing residential structure and the existing lots to the north and south. However, the lot layout and improvement thereon are similar to and compatible with the surrounding residential lots.

3. **Preliminary Plan, Required Information §1-16-72 (B)(19)(a & b):** *Soil types: (a) Soils type(s) information shall be provided and appropriate boundaries shown on the plan. In the event that "wet soils" are located on or within 100 feet of a proposed residential subdivision, a soils delineation report shall be prepared by a licensed soil scientist or professional engineer registered in the State of Maryland. The soils delineation report shall be submitted for review prior*

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to Planning Commission approval of the plan. The Division may waive this requirement if the "wet soils" are located within open space areas. (b) If residential lots are proposed within "wet soils" then a geotechnical report is required to be submitted by a professional engineer registered in the State of Maryland. A note shall be placed on the plan that all construction shall be in conformance with the geotechnical report.

Wet soils are not located on or within 100 feet of the existing residential structure.

4. Road Access Requirements. Public Facilities §1-16-12 (B)(3)(b): For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.

Proposed Lot 17 will access River View Court, which meets the minimum 20 foot wide paved road surface requirement. River Meadow Drive and Legg Rd, which connects the subdivision to Quinn Orchard Road, also meet the minimum 20 foot wide paved road surface requirement.

5. Other Street Requirements. Development on Dead End Streets §1-16-236 (K):

(K) Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission (or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable:

(1) For proposed development on new or existing cul-de-sac or dead end street(s), except existing dead end streets described in subsection (2) below, the following requirements apply:

(a) Applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.

(b) In the AG and R-1 zoning district, cul-de-sac or dead end street(s) shall not exceed 1,800 feet in length and shall not serve more than 30 lots, dwelling units, or parcels...

(c) In the R-3, R-8, R-12, R-16, VC, MX, LI, GI, GC, MXD, ORI, and PUD zones, the length of cul-de-sac or dead end street(s) may vary based on the density in the development section or land bay, property shape and size, topography, environmental constraints, lot size, unit types, and proposed land use. The density and length of cul-de-sac or dead end street(s) shall be reviewed by the Planning Commission and approved on a case by case basis. The Planning Commission shall consider the goals and principles of § 1-16-234 when considering the length and density of streets under this subsection.

Section 1-16-234: In designing highways, streets, roads, or common driveways, the subdivider shall be guided by the following principles.

(A) Design to consider the context of the proposed land use, including the existing and proposed land development patterns on adjacent parcels.

(B) Design for opportunities to create interconnections between adjoining parcels.

(C) Provide for adequate vehicular and pedestrian access to all parcels.

(D) Design local residential street systems to minimize through traffic movement and to discourage excessive speed.

(E) Provide reasonable direct access from local street systems to the primary transportation system.

(F) Local transportation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.

(G) Provide for safety, efficiency, and convenience of all users of the transportation system.

(H) Pedestrian-vehicular conflict points shall be minimized.

(I) Design to preserve, enhance, or incorporate natural, community, and historic resources.

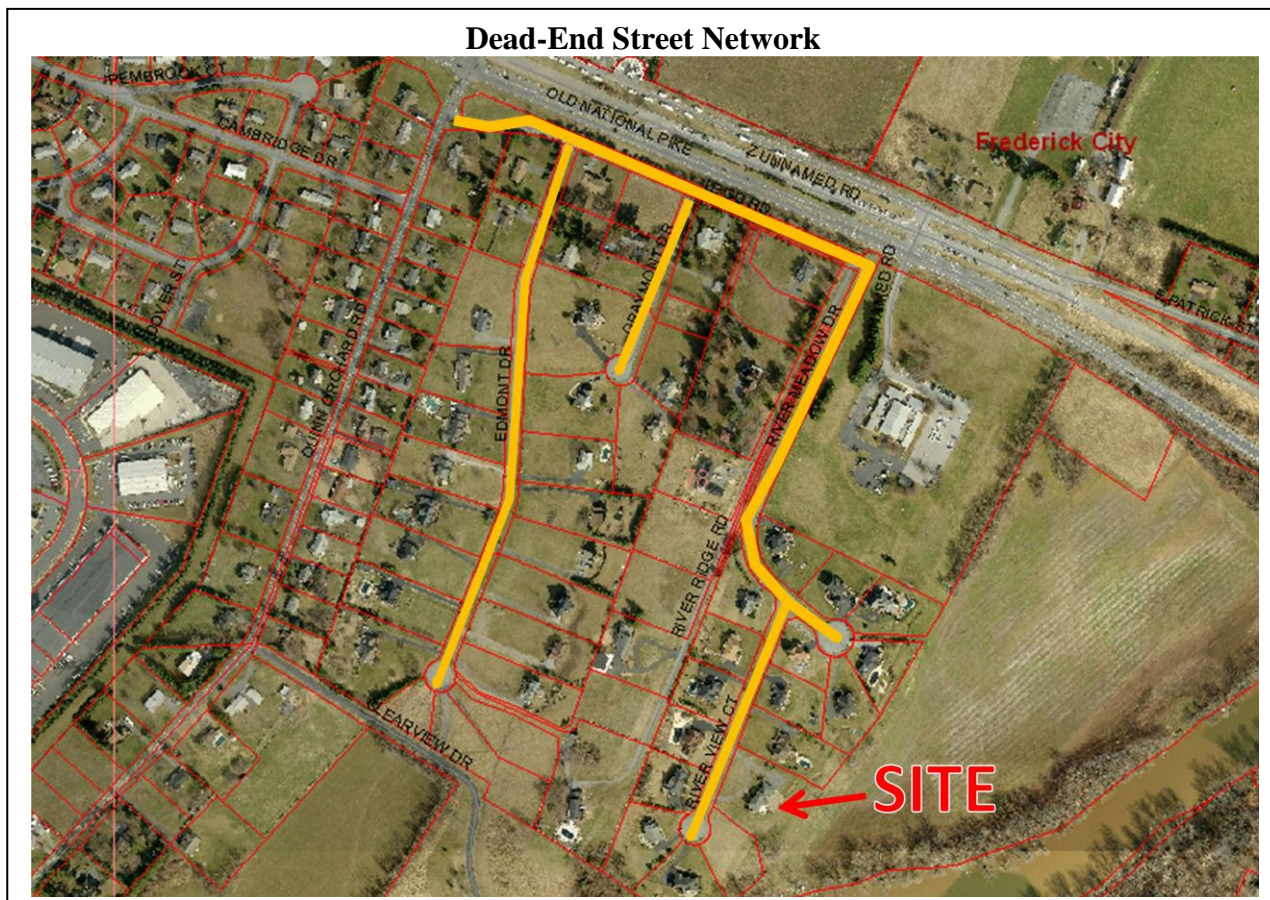
(J) Be suitably located and designed/improved to accommodate prospective traffic, emergency service vehicles, and road maintenance equipment.

(K) Sidewalk, street design, right-of-way and paving shall be in accordance with these regulations and the County Design Manual.

River View Court is an existing 790 foot long +/- Cul-de-sac Street that currently serves 9 lots and the existing house on proposed Lot 17. River View Court is part of a much larger dead-end street network that includes River Meadow Drive, Graymont Drive, Edmont Drive, and Legg Road. The entire dead-end street network is approximately 5,875 feet in length and serves 58 lots.

Though Staff would not typically recommend approval of adding more development on such a long dead-end road system, proposed Lot 17 is already developed with an existing house that has been utilizing the existing street network since the early 1990's and therefore offers no objection to this unique situation.

Staff recommends that the Planning Commission consider the individual property characteristics, the goals and principles of § 1-16-234 and § 1-16-236(K), the public safety risk to future residents, circulation inefficiencies, and the unique circumstances of this case to determine if adding one more lot to the existing 5,875+/- foot long dead end road system is appropriate.



6. Lot Size and Shape. Panhandle Lots §1-16-219 (C)(2): Panhandle lots may be approved by modification of the Planning Commission in major subdivisions only when it is determined by the Commission that “excellence of design” will be achieved or that such lots are inaccessible to the road due to odd shape and/or topographical constraints. In each case, the Planning Commission will determine “excellence of design” based on the spatial relationship of the panhandle lot to other lots and the public road. Only physical design criteria such as odd shape and road inaccessibility, topography, existing utilities, proposed and existing well and septic constraints (Health Department criteria) and natural or man-made features shall be used by the Planning Commission in granting modifications for panhandle lots in major subdivisions.

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No panhandles are proposed.

- 7. Water and Sewer Facilities. Public Facilities §1-16-12 (C):** *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The property has a W-5 water classification and an S-1 sewer classification. The existing house is served by a private well and is hooked up to public sewer. Lot 17 must hook up to public water when it becomes available.

Subdivision Regulation Requirements Findings/Conclusions

The project will meet all Subdivision Regulation requirements once all agency comments and conditions are complied with and if the Planning Commission determines that adding one more lot to the existing 5,875+/- foot long dead end road system is appropriate.

C. OTHER APPLICABLE REGULATIONS

Stormwater Management – Chapter 1-15.2: N/A. No new earth disturbance is proposed.

APFO – Chapter 1-20: Proposed Lot 17 is exempt from meeting APFO requirements. The lot contains an existing residential structure. Since no new development of the lot is proposed there is no new impact to schools, roads, or public sewer.

Forest Resource Ordinance – Chapter 1-21: Proposed Lot 17 is exempted from the FRO with a Real Estate Transfer exemption because the lot is already developed with a house, well, and public sewer hookup and no new development is proposed.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Approved
<i>Development Review Planning:</i>	Hold. Must meet all agency and FcPc comments and conditions.
<i>State Highway Administration (SHA):</i>	Approved
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved
<i>Health Dept.</i>	Hold: Add well location and well tag to plan. Existing well must meet all current construction standards
<i>Office of Life Safety</i>	N/A
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Combined Preliminary/Final Plat.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements if the Planning Commission determines that adding one more lot to the existing 5,875+/- foot long dead end road system is

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appropriate. Should the FcPc grant approval of this application (S-943, AP 13725), Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The Combined Preliminary/Final Plat is valid for three (3) years from the date of FcPc approval. Therefore, the Plat approval expires on December 11, 2016.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE S-943 (AP 13725) with conditions** as listed in the staff report for the proposed preliminary/final plat, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.